

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

AAMCO TRANSMISSIONS, INC.,	)	Case No. 2010-cv-2717
Plaintiff,	)	Judge James J. Carr
v.	)	<u>PLAINTIFF'S RULE 26(a)</u>
LYDIA ERTLE, THOMAS GAMBLE and MECHANICAL WOMAN, INC.,	)	<u>DISCLOSURES</u>
Defendants.	)	Keith Wilkowski (0013044)
	)	Roman Arce (0059887)
	)	MARSHALL & MELHORN, LLC
	)	Four SeaGate, Eighth Floor
	)	Toledo, Ohio 43604
	)	(419) 249-7100
	)	(419) 249-7151 (Fax)
	)	wilkowski@marshall-melhorn.com
	)	arce@marshall-melhorn.com
	)	James Goniea, Esq.
	)	William B. Jameson, Esq.
	)	Admitted <i>Pro Hac Vice</i>
	)	AAMCO Transmissions, Inc.
	)	201 Gibraltar Rd.
	)	Horsham, PA 19044
	)	(610) 668-2900
	)	wjameson@cottman.com
	)	jgoniea@americandriveline.com
	)	Attorneys for Plaintiff
)	

Plaintiff, AAMCO Transmissions, Inc. ("AAMCO"), by and through its undersigned counsel, and in accordance with Federal Rule of Civil Procedure 26(a), hereby provides the following information:

A. Individuals Likely to Have Discoverable Information:

1. Tom Gamble
AAA Transmissions
5250 Airport Highway
Toledo, OH 43615

See Complaint.

2. Lydia Ertle
AAA Transmissions
5250 Airport Highway
Toledo, OH 43615

See Complaint.

3. Tim Brooks
AAA Transmissions
5250 Airport Highway
Toledo, OH 43615

Mr. Brooks is related to the Defendants and was/is employed in the Center. Mr. Brooks was aware of and participated in the fraudulent practices of Defendants.

4. Austin Goddessy
5250 Airport Highway
Toledo, OH 43615

Mr. Goddessy was/is employed in the Center. Mr. Goddessy was aware of and participated in the fraudulent practices of Defendants.

5. Mike Lee
5250 Airport Highway
Toledo, OH 43615

Mr. Lee was/is employed in the Center. Mr. Lee was aware of and perhaps participated in the fraudulent practices of Defendants.

6. Arenti Bowin
5250 Airport Highway
Toledo, OH 43615

Ms. Bowin is a former employee of the Defendants and has knowledge of Defendants' fraudulent practices.

7. Orlando Rivera
5250 Airport Highway
Toledo, OH 43615

Mr. Rivers is a former employee of the Defendants and has knowledge of Defendants' fraudulent practices.

8. Walter Voyles
5250 Airport Highway
Toledo, OH 43615

Mr. Voyles is a former employee of Defendants and has knowledge of the fraudulent practices of Defendants.

9. Michael Pekula, Director of Consumer Affairs
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Mr. Pekula has knowledge of the investigation undertaken by AAMCO in connection with the Defendants' Center.

10. Joseph Riccardi, Investigator
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Mr. Riccardi has knowledge of the investigation undertaken by AAMCO in connection with the Defendants' Center.

11. Anna Wright, Consumer Affairs Administrator
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Ms. Wright has knowledge of the investigation undertaken by AAMCO in connection with the Defendants' Center.

12. Sherman Hill

Mr. Hill is a former customer of Defendants who was defrauded by the Defendants.

13. Gretchen Niedert

Ms. Niedert is a former customer of Defendants who was defrauded by the Defendants.

14. Stephanie Moore

Ms. Moore is a former customer of Defendants who was defrauded by the Defendants.

15. Jarvis Moore

Mr. Moore is the father of Stephanie Moore and was a former customer of Defendants.

16. Aaron Zens

Mr. Zens is a former customer of Defendants who was defrauded by the Defendants.

17. Annette Fitzpatrick

Ms. Fitzpatrick is a former customer of Defendants who was defrauded by the Defendants.

18. Jacob Moses

Mr. Moses is a former customer of Defendants who was defrauded by the Defendants.

19. John Parish
AAMCO Transmission Center
37514 Van Dyke Avenue
Sterling Heights, MI 48312
(586) 795-0440

Mr. Parish has knowledge of Defendants' history, both as a Cottman franchisee and as an AAMCO franchisee. Mr. Parish further allowed Plaintiff to use his facility in connection with the investigation.

20. Larry Weinberg
AAMCO Transmission Center
52 Penn Circle West
Pittsburg, PA 15205
(412) 661-0100

Mr. Weinberg allowed Plaintiff to use his facility in connection with the investigation.

21. Brian O'Donnell, Sr. Vice President of Operations
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Mr. O'Donnell has knowledge of the relationship between Ms. Ertle and Mr. Gamble and their

history as franchisees of AAMCO. Mr. O'Donnell may also have knowledge of the decision to terminate the Defendants' franchise.

22. Mike Dacko, Vice President of Training
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Mr. Dacko may have knowledge of the relationship between Ms. Ertle and Mr. Gamble and their status as franchisees of Cottman and then AAMCO.

23. John Ollis, Regional Operations Manager
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Mr. Ollis has knowledge of Defendants' operation of the Center both before and after termination of the Franchise Agreement.

24. Marc Graham, President of AAMCO
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Mr. Graham has knowledge of the decision to terminate Defendants' Franchise.

25. Diana Dieciedue, Legal Collections Manager
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Ms. Dieciedue has knowledge of Defendants' failure to pay monies due and owing AAMCO.

26. Jerry Ferrier, Director of Financial Services
AAMCO Transmissions, Inc.
201 Gibraltar Road, Suite 150
Horsham, PA 19044

Mr. Ferrier has knowledge of Defendants' failure to pay monies due and owing AAMCO.

27. Christina Carter, Administrative Assistant
Ross Advertising
201 Gibraltar Road, Suite 150
Horsham, PA 19044
(215) 643-5885

Ms. Carter has knowledge of Defendants' attempts to regain control of the AAMCO telephone numbers that rang at the Center.

28. Pete Toellen, Manager
AAMCO Transmission Center
37514 Van Dyke Ave.
Sterling Heights, MI 48312

Mr. Toellen may have knowledge as to the fraudulent activities of the Defendants in this case.

B. Documents in AAMCO's Possession, Custody or Control:

1. Legal File: contains letters, Agreement dated September 9, 1998, License Agreement, Amendment to License Agreement, Promissory Notes, Security Agreement, Agreement of Sale and Purchase, Bill of Sale, Receipt of Franchise Related Documents, UFOC Receipt, Lease Agreement, Settlement Agreement, settlement sheet with notes, accounts receivable entries, emails, notice of customer lawsuit, UFOC, internet advertisements, notes and other miscellaneous items.
2. Consumer Affairs File: memoranda, pictures, repair orders, notes, check out sheets, credit applications, transcripts, tape recordings, card board box with over spray, various automotive parts, Yellow Pages ads, letters, expense report, receipts, check requests, copies of checks, customer relations inquiries and other miscellaneous items.
3. Accounting File: contains, in electronic form, Center account statements (i.e., settlement sheets and subaccounts) documenting franchise fees and other charges, as well as payments received from Defendants. Weekly business reports and Repair Orders submitted by Defendants and other miscellaneous items.
4. Operations File: Investigative report dated February 23, 2007, conversion email and other miscellaneous items.

C. Computation of Damage Categories:

See Complaint. Additional information to be provided as developed through discovery.

D. Insurance Coverage Information:

Not applicable.

Respectfully submitted,

/s/ Roman Arce
Keith Wilkowski (0013044)
Roman Arce (0059887)
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Attorneys for Plaintiff
AAMCO Transmissions, Inc.

Certificate of Service

I hereby certify that the foregoing Rule 26(a) Disclosures were filed electronically with the Court on December 23, 2010. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. A copy of these Rule 26(a) Disclosures, and the documents identified herein, were served via First Class U.S. Mail to Defendants' attorneys of record on December 23, 2010.

/s/Roman Arce
Keith Wilkowski
Roman Arce
Attorneys for Plaintiff
AAMCO Transmissions, Inc.